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Attorneys for Plaintiff and Counterdefendant,
AT&T CORP.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

AT&T CORP.,

Plaintiff,

v.

DATAWAY INC. dba DATAWAY
DESIGNS,

Defendants.

AND RELATED COUNTERCLAIM.

Case No. C07-02440 EDL

EVIDENTIARY OBJECTIONS OF
PLAINTIFF AND COUNTER-
DEFENDANT AT&T CORP. TO
DECLARATION OF ANNE-LEITH
MATLOCK (FILED JULY 15, 2008)
OFFERED BY DEFENDANT AND
COUNTERCLAIMANT DATAWAY
INC. dba DATAWAY DESIGNS IN
SUPPORT OF ITS OPPOSITION TO
MOTION FOR SUMMARY
JUDGMENT

[F.R.C.P., Rule 56]

DATE: August 12, 2008
TIME: 9:30 a.m.
CTRM: E, 15th Floor

Plaintiff and Counterdefendant AT&T Corp., by and through its counsel of record,
hereby submits its *Evidentiary Objections to Declaration of Anne-Leith Matlock (Filed
July 15, 2008) Offered by Defendant and Counterclaimant Dataway Inc. dba Dataway
Designs in Support of its Opposition to Motion for Summary Judgment*, as follows:

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EVIDENTIARY OBJECTIONSDECLARATION OF ANNE-LEITH MATLOCK FILED JULY 15, 2008:

p. 2:5-11, ¶2 and Exhibit A: "Attached as Exhibit A is a copy of the Notice of Deposition for the most knowledgeable officer, director, managing agent, employee and/or agent of the Fraud Resolution Group (Investigative Management), responsible for AT&T customers in the San Francisco areas who worked for AT&T and/or can testify on events or surrounding circumstances relating to fraud resolution and shortfall investigation between May 2006 and May 2007, and who are most qualified to testify on its behalf regarding the following areas of examination."

Objection: Irrelevant [Federal Rules of Evidence, Rules 402]; Lacks foundation [Federal Rules of Evidence, Rules 601 and 602]; Hearsay [Federal Rules of Evidence, Rule 802].

p. 2:12-13, ¶3 and Exhibit B: "Attached as Exhibit B is a copy of the Disconnect Notice received by Dataway from AT&T dated November 3, 2006."

Objection: Irrelevant [Federal Rules of Evidence, Rules 402]; Lacks foundation [Federal Rules of Evidence, Rules 601 and 602]; Hearsay [Federal Rules of Evidence, Rule 802].

p. 2:14-15, ¶4 and Exhibit C: "Attached as Exhibit C is a copy of the Disconnect Notice received by Dataway from AT&T dated April 3, 2008."

Objection: Irrelevant [Federal Rules of Evidence, Rules 402]; Lacks foundation [Federal Rules of Evidence, Rules 601 and 602]; Hearsay [Federal Rules of Evidence, Rule 802].

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1 p. 2:16-17, ¶5 and Exhibit D: "Attached as Exhibit D is a copy of the Answer and
2 Counterclaim filed by Dataway in this matter on October 17, 2007."

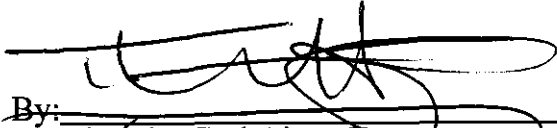
3 Objection: Irrelevant [Federal Rules of Evidence, Rules 402]; Lacks foundation
4 [Federal Rules of Evidence, Rules 601 and 602]; Hearsay [Federal Rules of Evidence, Rule
5 802].
6

7 p. 2:18-19, ¶6: "These exhibits are true and accurate representations of the original
8 documents."

9 Objection: Irrelevant [Federal Rules of Evidence, Rules 402]; Lacks foundation
10 [Federal Rules of Evidence, Rules 601 and 602]; Hearsay [Federal Rules of Evidence, Rule
11 802].
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13 DATED: July 30, 2008

AIRES LAW FIRM

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15 By: _____
16 Timothy Carl Aires, Esq.
17 Attorney for Plaintiff and Counterdefendant,
18 AT&T CORP.
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1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF ORANGE

3 I, Timothy Carl Aires, am employed in the aforesaid county, State of California; I am
4 over the age of eighteen years and not a party to the within action; my business address is:
180 Newport Center Drive, Suite 260, Newport Beach, California 92660.

5 On July 30, 2008, I served the document entitled: *Evidentiary Objections of Plaintiff*
6 *and Counter-defendant AT&T Corp. To Declaration of Anne-Leith Matlock (Filed July 15,*
7 *2008) Offered by Defendant and Counterclaimant Dataway Inc. dba Dataway Designs in*
8 *Support of its Opposition to Motion for Summary Judgment* on all interested parties in this
9 action by placing a true and correct copy thereof, enclosed in a sealed envelope, addressed
10 as follows:

11 Anne Leith-Matlock, Esq. (anne-leith@matlocklawgroup.com)
12 Matlock Law Group, PC
13 1485 Treat Boulevard, Suite 200
14 Walnut Creek, CA 94597

15 (check applicable paragraphs)

16 ☒ (BY MAIL IN THE ORDINARY COURSE OF BUSINESS) I am readily familiar
17 with the business practice for collection and processing of correspondence for mailing
18 with the U.S. Postal Service and the fact that correspondence would be deposited with
19 the U.S. Postal Service that same day in the ordinary course of business; On this date,
the above-named correspondence was placed for deposit at Newport Beach, CA and
placed for collection and mailing following ordinary business practices.

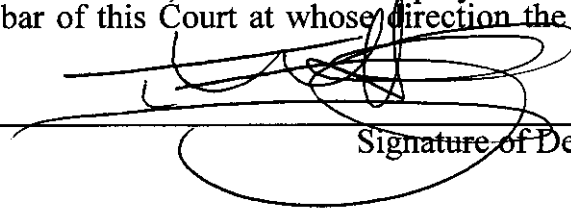
20 ☐ (BY PERSONAL SERVICE) I caused such document to be served by hand on the
21 addressee.

22 ☐ (BY EXPRESS SERVICE) I caused such document to be deposited in a box or other
23 facility regularly maintained by the express service carrier or delivered to an
24 authorized courier or driver authorized by the express service carrier to receive
25 documents, in an envelope or package designated by the express service carrier with
26 delivery fees paid or provided for, addressed to the person on whom it is to be served.

27 ☐ (State) I certify (or declare) under penalty of perjury under the laws of the State
28 of California that the foregoing is true and correct.

29 ☒ (Federal) I declare (or certify, verify or state) under penalty of perjury that the
30 foregoing is true and correct, and that I am employed in the office of a
31 member of the bar of this Court at whose direction the service was
32 made.

33 Executed on July 30, 2008

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Signature of Declarant